

FARMINGTON CITY COUNCIL MEETING

Tuesday, September 21, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst and Recording Secretary Cynthia DeCoursey

Mayor Harbertson began the work session at 5:40 p.m. He welcomed members of the community and Davis County Commissioner **Bret Milburn**, representative from the County Planning Department **Tony Thompson**, and **Kevin Blalock** of Blalock & Partners.

Davis County Administrative Building, Library and Children's Justice Center proposals

Bret Milburn said the relocation of the County Health Department to a new building in Clearfield and a favorable bidding and bonding climate have contributed to the progress of this project. He believes it is a positive thing for Farmington City to have a new County campus near the historic Courthouse. He agreed that there are many concerns, and the County realizes that there are different ideas and opinions regarding these new buildings. **Kevin Blalock** gave a presentation of the conceptual Davis County administration office elevations and site plans. His company is committed to several key elements, including a relationship to the existing Courthouse building, the extension of the landscaping which is currently located on Main Street, and a pedestrian entrance on the north end of the property. He reviewed plans for the Children's Justice Center and the Administrative/Library Building and said the total square footage for both buildings is approximately 50,000 square feet.

The **Mayor** and several members of the Council questioned why there was no representation from Farmington during the planning process for these buildings. Also, several residents who live near the site expressed concerns such as:

- Noise levels and other disturbances during construction
- Parking during construction
- Concern regarding additional traffic and speed limits in the area
- Lack of input from the residents and City officials during this process
- The modern design of the Administration/Library building does not tie in with the Courthouse and other buildings in Farmington

No other agenda items were discussed.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott Harbertson, Council Members **John Bilton**, Rick Dutson, Cory Ritz, and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey

Mayor Harbertson called the meeting to order at 7:15 p.m. and welcomed those in attendance—including Farmington Youth Council members **Jordan Kattelman**, **Emily Welch**, and **Alysa Utley**. He excused Council Member **Jim Talbot**. **Cory Ritz** offered the invocation, and the Pledge of Allegiance was led by local Boy Scout **Russell Anderson**.

APPROVAL OF MINUTES (Agenda Item #2)

There was one minor amendment to the minutes.

Motion

John Bilton made a motion to approve the minutes of the regular City Council meeting held September 7, 2010. The motion was seconded by **Sid Young** and approved by Council Members **Bilton**, **Dutson**, **Ritz**, and **Young**.

PLANNING COMMISSION REPORT (Agenda Item #3)

Glenn Symes said the Commission approved the flag lot request from **Merrill and Cheri Law**. Because of a suggestion from the Council to adjust the front lot lines and make the front lot larger than 20,000 square feet, there was no longer a requirement for a conservation subdivision waiver. The Commission also approved a request for an amended plat for the Village at Old Farm Phase 2 plat for the dedication of a street connecting the northern phase to the southern phase. He explained that the development agreement for this subdivision includes both residential and commercial/office uses. There is a provision in the agreement which requires the dedication of a road from the southern residential portion to the northern portion if it is residential, if the northern phase is commercial, the road will not be necessary. Several property owners were not aware of the possible roadway and expressed their concerns. The Gardner Company plans to record the dedication, sell the final two lots and build a two-unit building instead of the three-unit building which was previously approved.

(PUBLIC HEARING): CONSIDERATION OF CABLE FRANCHISE AGREEMENT WITH COMCAST OF WASATCH, INC. (Agenda Item #4)

Mayor Harbertson said City staff and Comcast have worked together to ensure that Farmington is in compliance with state requirements and Farmington regulations. City Manager **Max Forbush** recommended approval of the Agreement.

Public Hearing

Mayor Harbertson opened the public hearing at 7:18 p.m.

David Rathbun, 81 South Churchill Downs Drive, said he recently moved to Farmington and would like to get involved in the community. He is in favor of allowing Comcast to install their equipment in Farmington City.

Scott Danzie, representative from Comcast, said it is a cable industry standard to have 15 homes per quarter mile, but if the distance is beyond 125 feet, there will be additional costs. **Mr. Forbush** pointed out that the City will receive a franchise fee—in 2009 the amount was approximately \$65,000—and the agreement is not exclusive. There was a brief discussion regarding the 5-year term of the Agreement, the 18-inch depth of the lines, and the installation of fiber cable in west Farmington.

The public hearing was closed at 7:25 p.m.

Motion

John Bilton made a motion to approve the Cable Franchise Agreement between the City of Farmington, Utah and Comcast of Wasatch, Inc. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, and Young**.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE AMENDING TITLE 11, CHAPTER 18 OF CITY CODE REGARDING THE MIXED USE DISTRICT REGULATING PLAN TO PERMIT THE REALIGNMENT OF A NEIGHBORHOOD STREET ADJACENT TO THE CENTRAL DAVIS SEWER DISTRICT PUMP STATION (Agenda Item #5)

Public hearing

Mayor Harbertson opened the public hearing at 7:30 p.m. There was no one from the public to speak regarding this matter, and the public hearing was closed.

Motion

Rick Dutson made a motion to approve the Ordinance amending Title 11, Chapter 18 of the Farmington City Code regarding the Mixed Use District Regulating Plan. **John Bilton** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

Findings

1. The amendment to the Regulating Plan will still maintain circulation in the area as intended with the Mixed Use Districts.
2. The Regulating Plan can be adjusted slightly with a PMP once development is proposed which will allow City staff to ensure property design and site distance for the intersections.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE AMENDING TITLE 11, CHAPTER 10 ADDING "GREENHOUSE/GARDEN CENTER RETAIL" AS A CONDITIONAL USE IN THE AGRICULTURAL ZONES OF AA, AE, AND A (Agenda Item #6)

Public hearing

The **Mayor** opened the public hearing at 7:32 p.m. There was no one from the public to speak regarding this item, and the public hearing was closed.

Rich Haws presented a conceptual plan of an amenity which would utilize his red barn and adjacent land north of Burke Lane. He proposed a greenhouse/garden center which may include a nursery, tree and plant sales, and green space.

Motion

Sid Young made a motion to approve the Ordinance amending Title 11, Chapter 10 adding "Greenhouse/Garden Center Retail" as a conditional use in the Agricultural Zones of AA, AE and A. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, and Young**.

Findings

1. Greenhouses and garden centers are customary to agricultural uses and zones so the addition of such a use in Farmington's agricultural zones would be appropriate.
2. The proposed use has already been established in other zones of the City and is not a use that is inconsistent with the character of the City.
3. The limitation to five acres or smaller ensures that any proposed greenhouse or garden center operation would be small scale and would not negatively impact surrounding properties or overburden existing infrastructure.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE AMENDING TITLE 11, CHAPTERS 6 & 7 REGARDING NOTICING REQUIREMENTS FOR SITE PLANS, ZONE TEXT AND MAP AMENDMENTS AND ESTABLISHING A NOTICING RADIUS OF 500 FEET FOR SITE PLAN REVIEWS (ZT-3-10) (Agenda Item #7)

Mr. Symes said the City Attorney felt that authorizing the Planning Commission and the City Council to make decisions regarding the noticing radius was too arbitrary. He also explained that because the state's noticing requirement is 10 days, staff would like to change the City's requirement from 14 to 10 days which will assist them as they strive to conduct proper noticing.

Public hearing

The public hearing was opened at 7:45 p.m. There was no one from the public to speak concerning this item, and the public hearing was closed.

Motion

Cory Ritz made a motion to approve the Ordinance amending Title 11, Chapters 6 & 7 establishing a noticing radius of 500 feet for site plan reviews as well as zone text and map amendments and amending the 14-day noticing requirement to a 10-day noticing requirement. **Rick Dutson** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

Findings

1. The noticing radius of 500 feet goes beyond what has typically been done in Farmington and in most other communities.
2. The increased noticing radius will allow a great number of residents to be aware of potentially impactful development.
3. The amendment to the site plan review requirement allows less impactful conditional use permits to have a traditional mailing radius.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #8)

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| 7-1 | Ratification of approvals of Construction & Storm Water Bond Agreements |
| 7-2 | Approval of July's disbursement list |
| 7-3 | Approval of Sidewalk Replacement Agreement with Gordon Crabtree |
| 7-4 | Approval of request for Joyce F. Bradwisch to be exempted from the residential curbside recycling program |
| 7-5 | Approval of Resolution enacting Section E3 to Consolidated Fee Schedule providing for cancellation fee for Community Arts Center |

Motion

Rick Dutson made a motion to approve the items on the Summary Action List. **John Bilton** seconded the motion, and it was approved by Council Members **Bilton, Dutson, Ritz, and Young**.

Council Member **Jim Talbot** arrived at the meeting at 7:46 p.m.

PUBLIC IMPROVEMENTS REIMBURSEMENT AGREEMENT WITH FARMINGTON PARTNER, LLC (DAVID S. TOLMAN) (Agenda Item #9)

Mayor Harbertson reminded the Council that this Agreement is an effort to reimburse the contractor, **David S. Tolman**, for the installation of public improvements. The City has not received a response from him, but **Mr. Forbush** recommended that the Council approve the Agreement contingent upon approval by **Mr. Tolman**.

Motion

Rick Dutson made a motion to approve the Public Improvement Reimbursement Agreement with Farmington Partner, LLC with the condition that **David S. Tolman** also approves the Agreement. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Young, and Talbot**.

REVIEW OF "CALL CENTER PROPOSAL" – OLD KMART BUILDING (Agenda Item #10)

Mayor Harbertson distributed a handout which included information regarding APAC Customer Services, Inc. a company interested in locating a call center in Farmington. He said there would be from 150-600 jobs, and the majority (90%) would have a \$10/hour salary. There also may be 60 managerial jobs with a higher salary. They are considering several sites in Utah, and Farmington may be their top choice. Davis County has requested that we send a letter of support to this company if we plan to support this type of business.

There was a lengthy discussion of both positive and negative aspects of having this type of business in the City. **Jim Talbot** referred to a letter he wrote to the City Manager and members of the Council and suggested more study and research to determine if this would be a good fit for the City. **Rick Dutson** said the proposal does not feel like a natural fit, but something needs to be done with the building. He suggested hiring a professional who has no interest in the property to determine a good option for this building. **John Bilton** said he would approve of a letter of support indicating that the City's recommendation is that they locate in a business park type setting in Davis County. The **Mayor** pointed out that the reconstruction of U.S. 89 makes it very difficult to entice a commercial business into an area with poor access.

CITY MANAGER REPORT (Agenda Item #11)

900/1000 North Street improvement project

The Public Works Department, City Engineer, City Manager, and Council Member **John Bilton** have scheduled a meeting on Wednesday, September 22 at 6:00 p.m. Residents in the area have been invited to attend, and information regarding the culinary water line, water service lateral replacement project, reconstruction of the streets, and curb and gutter improvements will be discussed.

Station Parkway progress report

Mr. Forbush said the curb and gutter is in place on Park Lane; however, there has been a request to extend the curb and gutter an additional 100 feet to tie into the storm water.. There has also been a recommendation from the Public Works Department to postpone the paving of the northern two thirds of the promenade until next spring which will allow the trenches to settle. The sewer line is 20 feet deep, and it is difficult to get the necessary compaction.

CRS Office Plan

CRS has submitted plans for finishing the extra space in the City building. City Engineer **Paul Hirst** said their intent is to finish it out in much the same manner as the City.

Proposed well site

Mr. Forbush informed the Council that the non-historical section of the **Mary Meyers** house was demolished, and a decision needs to be made as to whether or not to save the remaining portion. The remaining adobe section was damaged by the demolition, and it also sustained water damage. He invited the Council to visit the site and offer their input on the decision. **Jim Talbot** made the point that the remaining structure may not withstand the drilling process, but it may be possible to save the rock.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #12)

Mayor Harbertson's Report

- The **Mayor** referred to a letter of resignation from Farmington City Fire Chief **Larry Gregory**. He expressed appreciation for the great job **Mr. Gregory** has done for the past 15 years. He mentioned that on Wed., September 25th, the Fire Department will honor **Chief Gregory** at his home, and the Council is invited to attend. Plans are also being made to honor him on Tuesday, October 5th at the City Council meeting.
- The **Mayor** said the City will begin looking for a replacement this week, and the Kaysville City Fire Chief and South Davis Metro Fire Chief have offered to assist. The Council and staff agreed to look at the current job description to determine the minimum requirements.
- The **Mayor** and **David Petersen** met with the Davis School District, and they are interested in partnering with Farmington City to restore a historical home that Lagoon owns on 100 North. Students will provide all the labor, and there will be a meeting on Friday, September 24th at 3:00 p.m. to allow DSD to look at condition of the home. He also spoke with **Dave Freed** of Lagoon regarding assistance with the costs which will be associated with the restoration.
- A homeowner in the Grove subdivision is willing to donate a 45-foot blue spruce tree to the City. The Council asked **Mr. Forbush** to follow up on the offer.
- There will be a town hall meeting on Wednesday, September 22nd, and the subject is volunteerism.
- City officials have been invited to a cooking class offered by Harmons on October 7th and October 12th. **Cory Ritz, John Bilton, Mayor Harbertson, Rick Dutson, David**

Petersen and **Michael Nilson** will attend on October 7th. **Sid Young, Max Forbush, Glenn Symes, Rick Draper, and Brett Anderson** will attend on October 12th.

City Council Reports

John Bilton

- He referred to pictures in the staff report showing water damage in the Farmington Ranches Park because of a sub-surface drain and asked if this was the first notice sent to the homeowner. **Mr. Forbush** replied that there is a long history on this issue.
- He used the Legacy Trail recently, and there are many issues that need to be resolved. **Mr. Forbush's** advice was to wait and see what happens. **West Bountiful** said they are not willing to assist in the maintenance of the trail.

Cory Ritz

- He requested an update regarding **Steve Peterson** and the planting of trees, and the City Manager said it would be on the agenda at the next Council meeting.

Sid Young

- He suggested that a bike lane is needed on North Main Street.
- He reviewed some of the topics and legislative issues which were discussed at the Utah League of Cities and Towns Conference.

Jim Talbot

- He mentioned that **George Chipman**, Chairman of the Trails Committee, is willing to assist any time the Council is in need of his help.
- He said portions of the Utah League of Cities and Towns Conference were very good, and he enjoyed the open discussion meetings.

MISCELLANEOUS (Agenda Item #13)

Closed Session

At 8:45 p.m. a motion was made by **John Bilton** to adjourn to a closed session to discuss strategy as it pertains to potential litigation. The motion was seconded by **Sid Young**, and it passed with Council Members **Bilton, Dutson, Ritz, Young, and Talbot** voting in favor.

SWORN STATEMENT

I, **Scott C. Harbertson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

Motion

A motion to go back into open session was made by **Rick Dutson** and seconded by **Cory Ritz**. All Council Members voted in favor and the Council went back into open session at 9:28 p.m.

ADJOURNMENT

There being no further business to bring before the Council and upon motion by **Jim Talbot** with a second by **Sid Young**, the meeting was adjourned at 9:28 p.m.

Margy Lomax
Margy Lomax
City Recorder